

DETAILED ACTION

This is the second office action for U.S. Application 11/828,746 for a Hold Down Device filed on April 20, 2007. Claims 1-23 are pending.

Election/Restrictions

Newly submitted claims 1-23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In claims 1-9, Applicant is attempting to claim the combination of a hold down device and the hose of a recreation vehicle when previously, only the subcombination of the hold down device was claimed. In claims 10-17, Applicant is attempting to claim the hold down device in combination with a sewer fitting, when previously only the subcombination of the hold down device was claimed. In claims 18-23, Applicant is attempting to claim the combination of the hold down device and a refuse hole of a dump receptacle, when previously only the subcombination of the hold down device was claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on February 19, 2008 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because, as explained above, Applicant is

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attempting to claim the holding device in combination with the hose, sewer fitting and refuse hole of a dump receptacle, respectively, when only the subcombination of a hold down device was originally claimed..

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

/S. M. M./
Examiner, Art Unit 3632
Steven Marsh
June 8, 2008

/Kimberly Wood/
Kimberly Wood
Primary Examiner
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